

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA,

-against-

08 Cr. 1002 (RJH)

WEN MING LIN et al.,
including XIN LIN


Defendants.

ORDER

Defendant Xin Lin's request for a supplemental evidentiary hearing to examine Special Agent Anthony Jones is hereby denied. The Court finds that no further hearing is warranted because Mr. Lin's supplemental affidavit does not raise any issues of material fact concerning the conduct of Special Agent Jones. *See United States v. Culotta*, 413 F.2d 1343, 1345 (2d Cir. 1969); *United States v. Demosthene*, 326 F. Supp. 2d 531, 534 (S.D.N.Y. 2004). The Court will resolve Mr. Lin's motion to suppress on the basis of the parties' written submissions and the testimony of Agents Julian and Hodge taken at the evidentiary hearing of September 14, 2009.

SO ORDERED.

Dated: New York, New York
October 9, 2009


Richard J. Holwell
United States District Judge